

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SIMPLEXGRINNELL, LLP

Plaintiff,

-against-

MEMORANDUM & ORDER
11-CV-5192(JS)(GRB)

ROBERT McCANN,

Defendant.

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APPEARANCES

For Plaintiff: Russell Evan Adler, Esq.
 Pepper Hamilton LLP
 The New York Times Building, 37th Floor
 620 Eighth Avenue
 New York, NY 10018

For Defendant: No appearances.

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge Gary R. Brown's Report and Recommendation ("R&R"), issued on August 31, 2012. For the following reasons, the Court ADOPTS this R&R in its entirety.

BACKGROUND

Plaintiff SimplexGrinnell, LLP ("Plaintiff") commenced this action on October 25, 2011 asserting claims against Defendant Robert McCann ("Defendant") for conversion, breach of contract, breach of fiduciary duty, and misappropriation of trade secrets and confidential information. Defendant did not answer the Complaint or otherwise appear in this action.

On November 29, 2011, Plaintiff requested a certificate of default (Docket No. 4), which was entered by the Clerk of the Court on November 30, 2011 (Docket No. 5). On January 17, 2012, Plaintiff moved for default judgment and an award of damages (Docket No. 6) on its conversion claim only, and on January 24, 2012, the Court referred Plaintiff's motion to Judge Brown for an R&R (Docket No. 7).

Judge Brown issued his R&R on August 31, 2012 recommending that Plaintiff's motion for default judgment be granted and that Plaintiff be awarded: (i) \$112,227.42 in damages, (ii) \$512.78 in costs, and (iii) post-judgment interest at the statutory rate prescribed by 28 U.S.C. § 1961(a).

No party has objected to any portion of Judge Brown's R&R.

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Here, no party has objected to Judge Brown's R&R, and the Court finds it to be correct, comprehensive, well-reasoned and free of any clear error. Accordingly, the Court ADOPTS Judge Brown's R&R in its entirety.

CONCLUSION

Judge Brown's R&R is ADOPTED in its entirety. Plaintiff's motion for a default judgment is GRANTED, and Plaintiff is awarded \$112,227.42 in damages, \$512.78 in costs, and post-judgment interest at the statutory rate prescribed by 28 U.S.C. § 1961(a).

The Clerk of the Court is directed to enter a Judgment consistent with this Order and to mark this matter CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: September 28, 2012
Central Islip, NY